

# Department of Human Services

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## Articles in Today's Clips Thursday, April 12, 2007

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April 12, 2007

## Settlement talks end in dispute over state's foster care system

**Kim Kozlowski / The Detroit News**

Settlement talks between the Michigan Department of Human Services and the New York organization that sued to reform Michigan's foster care system have broken down, the organization's executive director announced Wednesday.

State officials say resources are needed to settle the case but they are uncertain in Michigan's current budget crisis.

Now, the only way to resolve the system that cares for Michigan's 19,000 foster care children is through a trial, which could begin in June 2008.

"Michigan's system is indefensible," said Marcia Lowry, head of Children's Rights, which filed the suit in August. "It's too bad it's going to take all this to prove what everyone knows."

Lowry made the comments following a hearing before U.S. District Judge Nancy Edmunds, where attorneys for the state argued to dismiss the lawsuit, which alleges the foster care system suffers from a gross shortage in resources and services for foster children. As a result, abused and neglected children go without physical and mental care and are repeatedly moved from one home to another.

Edmunds did not immediately issue a ruling. But she outlined several deadlines to gather evidence, and also set a June 2008 trial date.

Until now, resolving the allegations in the lawsuit has been on a dual track. As the litigation has moved forward, Children's Rights and the Michigan Department of Human Services have been in settlement talks. But those broke off last week, Lowry said.

Both sides had been bargaining in good faith, according to Marianne Udow, director of the Michigan Department of Human Services. But the state had to end talks because there is no guaranteed commitment to resources for child welfare.

In next year's Human Services budget, Gov. Jennifer Granholm has proposed \$35 million to add 200 more staff members; conduct more staff training; get certification for family caregivers and subsidize permanent guardianships, Udow said. But a Senate subcommittee has proposed cutting the department's budget by \$20 million, slashing more than 800 staff members and privatizing most of the foster care and juvenile justice systems.

"All these things are not consistent with a possible settlement," Udow said. "It's most unfortunate on multiple levels. In the end, we will be spending more money on attorney fees and it would certainly be preferable if we are spending that money, it would (be spent on) children."

Lowry said the organization plans to take testimony from executives in the state Department of Human Services to produce evidence. It also would be collecting evidence from children's case records.

The suit began with six plaintiffs, but Edmunds certified the suit as class action in February.

Children's Rights has successfully sued to reform foster care systems in six other states.

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Detroit news briefs

April 12, 2007

## **Foster children talks break down**

Settlement negotiations between the state and a New York-based children's advocacy group suing on behalf of Michigan's 19,000 foster children have broken down, the head of the group said Wednesday.

Marcia Lowry, executive director of Children's Rights, said talks with officials from the Michigan Department of Human Services broke off this week. She declined to say why or on what issues the two sides could not find agreement.

A hearing was held Wednesday before U.S. District Court Judge Nancy Edmunds in Detroit on a motion by the state to dismiss the lawsuit on the ground that the rights of foster children are protected by the attorneys assigned to represent them and juvenile court judges who monitor how the department provides services for the children.

Edmunds said she would rule on the motion soon.

The judge also set several dates for motions and other matters before a nonjury trial, which now is scheduled for June 3, 2008.



## State quits settlement talks in child welfare lawsuit

Thursday, April 12, 2007

By Sharon Emery

Lansing Bureau

LANSING -- With the state mired in debt, the Michigan Department of Human Services is ending efforts to settle a federal lawsuit filed by Children's Rights, a national advocacy group that has forced child protection changes in more than a dozen states.

State officials say Michigan can't negotiate in good faith because absent an agreement on the 2008 state budget, it doesn't have the cash to enact reforms.

In a lawsuit filed in U.S. District Court in Detroit, Children's Rights has accused the state of failing to protect the 19,000 children in its child welfare system. Immediately after the suit was filed in August, the state began negotiations to settle. Children's Rights has prevailed in every state where it's sued, with Mississippi settling just last week.

But with the Michigan Legislature still working to shore up a budget hole nearing \$700 million this fiscal year alone, settlement talks are no longer tenable, DHS Director Marianne Udow said Wednesday evening.

"Any approach to improving child welfare takes resources," Udow said. "Because of the state budget crisis, we cannot settle at this time. If the budget process becomes clearer, we can proceed."

Children's Rights could not immediately be reached for comment, but Udow said the group had hoped to avoid going to trial as well. She said a trial could cost the state \$11 million in attorney fees alone.

The prospect of having to come up with millions more annually to hire more caseworkers and provide basic protections for children has had some state lawmakers anguishing.

Rep. Dudley Spade, D-Tipton, chair of the House Appropriations subcommittee on human services, warned last week that the lawsuit could have "significant potential budgetary impact."

There is bipartisan agreement that the child welfare system in Michigan needs more resources. There is no agreement, however, on which taxes should be raised to pay for them. Gov. Jennifer Granholm has recommended spending \$35 million more in fiscal 2008 for child protection efforts.

"We have a child welfare system that is underfunded, broken and we need to be part of the solution," Spade said. "It's long overdue."

On Wednesday U.S. District Judge Nancy Edmonds postponed a ruling on the state's request to dismiss the case and set a 2008 trial date. The judge will rule on dismissal after taking further testimony. No timeline was set.

The Children's Rights lawsuit charges that Michigan has failed to provide basic physical and mental care; failed to avoid repeated moves of children from home to home; failed to adequately monitor children's safety; and failed to address high worker caseloads and turnover.

The lawsuit cited several cases, including that of a 16-year-old girl who over 14 years was in 10 different placements, some of which subjected her to physical and sexual abuse. It called such situations "tragic and wholly avoidable."

It also referenced a 2005 state Auditor General's Office finding that the state had failed to do periodic criminal background checks on adults caring for foster children. The audit said the state also failed to ensure that caseworkers performed required visits to check on the safety of foster children.

For the past three years the state has been moving to keep more abused and neglected children with their

families when it can be done safely.

The state's "Family to Family" program provides professional services and family and community supports for at-risk families, so they can keep their children with them. Out-of-home placements dropped from 54 percent of the child welfare caseload in 2001 to 49 percent in 2006, according to DHS statistics.

Reforms over the past three years include increased background checks for caregivers and better training for child protection workers. The Legislature also agreed to fund 51 more Child Protective Services workers in the current fiscal year.

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Michigan Report

April 11, 2007

## **BUDGET CONCERNS SEND FOSTER CARE SUIT TO TRIAL**

With no guarantees of funding for program changes in the current fiscal year, much less coming years, the Department of Human Services announced Wednesday that it had discontinued negotiations with a group that is suing the state over its foster care system.

The U.S. District Court is still considering a motion by the state to dismiss the lawsuit by Children's Rights that claims the state is not providing sufficient protections or services to foster children, but ordered that discovery begin in the case.

The case, *Dwayne B. v. Granholm*, seeks federal court oversight of the state's foster care system, arguing that the department is not providing sufficient monitoring of foster homes to ensure safety of the children, is not providing sufficient mental and physical health care, is not ensuring sufficient foster care homes and is not getting children into permanent placements quickly enough.

"Even though we are unable to continue settlement talks at this time, we will maintain our focus on protection, prevention, community-based family services and safe, permanent homes for children," said DHS Director Marianne Udow. "We have already brought about significant change in Michigan's child welfare system over the past three years, and we're not letting up."

But the plaintiffs argued the state should have continued negotiations. "Michigan is aware of its failure to sever the children in its custody, and yet it chooses to fight the case rather than work toward reform," said Marcia Robinson Lowry, executive director of Children's Rights.

## **DHS Can't Continue With Settlement**

MIRS, April 11, 2007

The Department of Human Services (DHS) announced that because of the state's budget crisis, it will be unable to continue settlement discussions with Children's Rights, the New York-based organization that is suing the state over its foster care system.

Children's Rights has sued several states over the years on the basis that state's child welfare system is "extremely underfunded," causing DHS to not screen and oversee foster homes like it should or separate children who were victims of sexual abuse from the other children. DHS' action has put more than 19,000 children in the state's care to suffer abuse or neglect, according to the group's lawsuit in U.S. District Court.

While many states end up settling with Children's Right, Udow said the state just can't afford to do it at this time.

"Even though we are unable to continue settlement talks at this time, we will maintain our focus on protection, prevention, community-based family services, and safe, permanent homes for children," said DHS Director Marianne **UDOW**. "We have already brought about significant change in Michigan's child welfare system over the past three years, and we're not letting up."

After the Children's Rights lawsuit was filed in August 2006, Udow asked for settlement talks to begin immediately because she wanted to reach agreement and avoid spending scarce resources on litigation.

The parties negotiated in good faith, she said, but without sufficient resources, the state could not commit to a settlement.

"Any approach to improving child welfare takes resources. We've seen it in other states, and it is true in Michigan as well," Udow said. "That is why Gov. Jennifer **GRANHOLM**, in her proposed 2008 executive budget for DHS, has recommended investing an additional \$35 million in child welfare enhancements as part of our ongoing fundamental reforms, which have already resulted in less children in the foster care system, less children re-entering the foster care system, and more children placed with relatives.

Udow said the extra funding would help DHS in its effort to get thousands more children adopted or with a guardian. It also makes it possible for more relative caregivers to become licensed foster parents.

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## CASAs speak for kids

By JOHN EBY / Dowagiac Daily News  
Thursday, April 12, 2007 10:12 AM EDT

CASSOPOLIS - CASA has only become more important "when we look at the state of the State of Michigan. Our economic situation is very bleak," Family Court Judge Susan Dobrich said Wednesday afternoon as she swore in the April 2007 class of five Court-Appointed Special Advocates.

The first CASA class of 13 graduated almost 10 years ago on Sept. 22, 1997.

"One of the things being contemplated is laying off all the foster care workers in Michigan and turning the cases over to private agencies," the judge said. "Not to say that private agencies can't do a good job, but I think it would be harmful to our children."

Cass County has 175 children in foster care; 15,000 statewide.

"Our Legislature has to understand," Dobrich said, "and I know they have competing demands, but someone needs to speak for children. I'm pleased to see that here are five more CASA graduates to speak for children."

"Our caseworkers are swamped and they're going to have more to deal with as economic times get tougher and tougher in Michigan before we come up with a solution."

The five women - Jan Kuhl and Christina Abair of Niles and Tami Orr, Genie Cooper and Eileen Smith of Cassopolis - completed 30 hours of training sponsored by St. Denys Foundation over a couple of Saturdays and some evenings, Director Lisa Schmidt said.

When Schmidt saw wet snow piling up April 11, she thought, "Of course," since two training sessions had already been canceled and made up.

CASAs serve three main responsibilities: serving as a fact-finder for the court by researching the background of each assigned case; speaking for the child in the courtroom, representing the child's best interest; and continuing to act as an advocate for the child during the lifetime of the case so there will be a swift, appropriate conclusion.

Board President Nancy Smith said, "We know that we're all busier than we've ever been, even though we have all this technology. You all are giving the most you can, which is your time. Sometimes it's easier to write a check than it is to volunteer, so we really appreciate you doing this, and the board looks forward to getting to know you and we hope you help a lot of kids."

Kim Vincek of the state Department of Human Services (DHS) transferred to Cass County from St. Joseph County.

"We didn't have CASA over there. When I came here I didn't know anything about it. I didn't even know what it was. It's a great, great program. We look forward to working with you in the future."

Sharon Evans, a "seasoned" volunteer, told the new class, "Everybody starts out to be a CASA thinking you're going to do these wonderful things for kids. And you probably do, but you get so much in return. People ask me, 'How can you be a CASA?' I always say, 'How can you not be a CASA?' If I was to give you any advice, it would be to not get behind on your paperwork. Have respect for the people you work with. And have fun with the kids, who maybe haven't had a lot of fun."

"At 55 years old, I learned that swinging on a swing can lift your spirits. The children said they trained me to be a grandma," which she now is.

"You're going to make a big difference in their lives," Evans said.



# Ypsilanti Courier

## Deputies seek answers on infant

By Dan DuChene  
, Staff Writer

The reward for information leading to the identification of an abandoned infant's mother has been raised to \$6,000.

The baby was discovered on March 19, near a fence on the back property of Motel Manor in Ypsilanti Township. Washtenaw County Sheriff's Commander Dave Egeler said tips have been made, but none have lead to a substantial lead.

He said the Ypsilanti Township Board of Trustees voted to offer \$5,000 to an informant, which can be added to the \$1,000 reward from Crime Stoppers. Egeler said the township has a special reward fund set aside to reward informants in special cases.

"This one fits the bill," he said.

To prevent this type of tragedy from occurring, Egeler said state law allows mothers to anonymously drop infants off with authorities within the first 72 hours of the child's birth. Called the Safe Delivery of Newborns Act, it has been on the books since 2001.

He said rather than harming a baby or leaving it unattended, a mother can drop a baby off with a police department, fire department or hospital and remain anonymous. Only questions regarding the infant's health are asked.

"That can be done without risk," Egeler said. "It would have been a preferable action to take."

Karen Shock, a spokeswoman for the Michigan Department of Human Services, said 47 babies have been "protected" since the law has been enacted. She said 100 infants are abandoned in the U.S. every year, 33 percent of those are found dead.

It's not necessary," Shock said. "It's totally preventable."

"There are lots of people waiting to adopt a child," Shock said. "(The babies) are adopted by families that truly do want them."

One of the first steps taken after an infant is left with authorities is to make sure it is healthy.

"We're going to make sure the baby gets to a hospital," Egeler said.

Lauren Stokes, a spokeswoman for St. Joseph Mercy Hospital, said the hospital has not seen any babies abandoned under the law, but there is hospital protocol to follow if they do.

"We'd care for the baby, make sure it's O.K.," Stokes said.

After a health check, she said the hospital would notify Child Protective Services, which is a program under the Department of Human Services. Shock said the department tries to avoid foster care in these situations.

"They identify adoptive placements," Shock said. "The goal is to place them with a family as quickly as possible."

Of the 47 infants who have been left with authorities, she said there have been no investigations to discover the identity of the mother. She said there have no child protection cases.

This year there is a new feature to the law, Shock said a mother can now call 911, instead of having to drive to the authorities.

She said the mother must stay with the infant until some one comes to pick up the baby. Although no mothers have used the new feature, she said hopefully instances like the one in Ypsilanti Township could be avoided.

Anyone with information about the mother of the abandoned baby is encouraged to call Crime Stoppers at 1-800-SPEAKUP, or 1-800-773-2587, or the Washtenaw County Sheriff's tip line at 734-973-7711.

For more information about the Department of Human Services and the Safe Delivery of Newborns Act, visit the Web site [www.michigan.gov/dhs](http://www.michigan.gov/dhs).

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April 12, 2007

## Sheriff: Mom tried to offer kid to another

Taylor woman accused of arranging for sexually explicit photos of girl with Michigan man.

**Ronald J. Hansen / The Detroit News**

The Taylor woman charged with offering her 7-year-old daughter for sexually explicit photos with an undercover officer made similar arrangements with a mid-Michigan man she had traded child pornography with, the Wayne County sheriff said Wednesday.

Wayne County and the Michigan State Police have opened an investigation of the man, who lives outside Metro Detroit, and authorities hope to follow the digital trail to a wider child pornography ring.

Investigators are trying to determine whether the child pornography she sent involved any of her five children, who range from 6 to 12 years old. Also, Wayne County officials intend to notify authorities in the woman's home state that she has claimed to have molested her 7-year-old daughter there.

Investigators will seek another sexual exploitation charge in Hamtramck against the 33-year-old woman, said Sheriff Warren Evans.

The Detroit News isn't naming the woman to protect the identities of her children, who are in protective custody.

"We've got an additional guy, a real live guy not an undercover, who had already negotiated that arrangement with (the woman) and she offered up at least the 7-year-old," Evans said. "At this point, we're not sure whether she would have offered up any of the other kids, too. We clearly have what we need to get a warrant."

Wayne County authorities arrested the woman March 30 at a Romulus motel near Detroit Metropolitan Airport as she allegedly took her daughter to pose for photos and possibly have sex with a man who turned out to be an undercover officer searching for Internet predators.

But an investigation of her computer and e-mails made clear she also intended to offer the girl to another man, described as middle-aged and, like many Internet predators, having no apparent criminal record, authorities said.

As in the arranged meeting with the undercover officer, the price of the meeting with the mid-Michigan man would depend on whether he wanted to abuse the child by doing more than taking pictures, Evans said.

"The dollars would rise with the level of exploitation," he said. "She was into child pornography and so was this other guy. They exchanged significant amounts of child porn with each other."

Evans said his Internet crimes unit is chatting with about 200 potential predators at any given time. Even so, interest in child pornography doesn't seem to be waning.

"I hate to say it, but the reality is the likelihood of getting caught is on their side," Evans said. "They don't get caught that often. That's why they continue to be brazen. It's really pretty difficult for these guys to get caught."

The Taylor woman, however, was a convicted thief who faced a likely jail sentence for skipping meetings with her parole officer. She also skipped her sentencing for the matter while she had promised to stay out of trouble in a misdemeanor case in Romulus involving the chronic truancy of two of her children.

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## Macomb County prosecutor to lead Grant murder trial

It will be Eric Smith's first courtroom experience since winning the election

By Jameson Cook  
Macomb Daily Staff Writer

Macomb County Prosecutor Eric Smith will try his first case in a courtroom in nearly three years when he prosecutes murder defendant Stephen Grant.

Smith will lead a prosecution team that includes two of his top assistants -- Chief of Trial Therese Tobin and Chief of Homicide William Cataldo -- when they attempt to convict Grant of first-degree murder in the slaying and mutilation of his wife, Tara.

The highly publicized case will be the first time Smith will question witnesses and argue in front of a judge since he took office in January 2005. Smith said in his first 2-1/2 years on the job he has focused on establishing policy, assigning staff, setting up special units and upgrading equipment.

"My intent was always to try cases because that's what I did," Smith said. "But when I got into office there were a lot of other things that needed my immediate attention. I've been waiting for an opportunity to get back into the trial game, and this one calls me."

Smith has said the case has affected him personally as he has interacted with Tara Grant's family and toured the Grant home, where the slaying allegedly took place.

Well-known Macomb County defense attorney Tim Barkovic said he is glad Smith will try the case, noting that former prosecutor Carl Marlinga personally prosecuted many cases during his 20 years in office.

"There's several political reasons and one valid reason for him to try a case," Barkovic said. "He's our prosecutor and he owes a duty to the county residents to step up and try a case once in awhile. He has a duty to get into the courtroom and see what life is like on the front lines of the justice system."

Barkovic noted the political benefits to handling such a high-profile case are obvious, remarking, "It won't hurt to have name and image on the front page every day" during the court proceedings over the coming months.

Marlinga tried several cases, including the trial of Jaime Rodriguez Jr., who was convicted of murdering and mutilating Stephanie Dubay in 1991.

Smith vowed to try other cases in 2007 and 2008, when the Democrat will face re-election for another four-year term, although he has not announced he is running.

The trial will be his first murder case in about nine years. Smith served as an assistant prosecutor in the office for 11 years before his election, serving several years as chief of the sex-crimes unit. Before that, he spent two-plus years in former judge George Montgomery's courtroom handling a regular criminal docket, including at least two murder cases.

In all, Smith said, he tried more than 100 cases.

"I'm one of the most experienced trial attorneys in the office, and my name is on every file that goes in and out of this office," he said.

Smith said this case requires three top-notch prosecutors due to the volume of evidence. To date, 448 pages of investigative reports and 15 CDs of evidence have been received from the Macomb County Sheriff's Office and other agencies.

"I think this is largest discovery packet we've ever had," Smith said.

More is to come. Police agencies in northern Michigan have not yet submitted their documents to his office, and at least seven more CDs are expected.

The reports will be released to the media possibly as soon as Friday.

Smith said the case includes 75 witnesses.

Smith, Tobin and Cataldo will each handle a particular area, he said. But the trio has not yet decided how the duties will be split.

Cataldo and Tobin are two of Smith's five-member "cabinet" of top administrators, including Chief of Staff Ben Liston, Chief of Operations James Langtry and Robert Merrelli, chief of Circuit Court and Special Units.

Smith and Tobin have worked together for about a decade and knew each other before that as classmates at the Detroit College of Law. Tobin joined the Macomb office a year after Smith, and they worked together for several years in the sex-crime unit.

Cataldo was a respected defense attorney for many years before Smith hired him to serve as the top homicide attorney.

Smith said he competed against Cataldo in the courtroom.

"We'd fight like cats and dogs in the courtroom but come out of the courtroom" and have a friendly conversation, he said.

Grant, 37, is charged with premeditated murder and mutilation of a corpse for the Feb. 9 slaying of 34-year-old Tara in their home. His preliminary examination is scheduled for May 15 in 42-1 District Court in Romeo.

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04/12/2007

## Officials talk about child abuse in county

Kate Finneren-Hessling , The Huron Daily Tribune

**HURON COUNTY** — Just a few weeks ago Bad Axe resident Stardust L. Welshans was sentenced to serve a minimum of two and a half and a maximum of 10 years in prison for injuries that her 28-day-old baby sustained in February 2006 when she threw the child, fracturing his skull, ribs and clavicle and caused bleeding on the brain.

Just months after that incident took place, the Huron County Prosecutor's Office filed a petition seeking the termination of another Bad Axe couple's parental rights after a 4-month-old baby boy appeared to have sustained serious closed head injuries in what prosecutors called a classic example of shaken baby syndrome. Advertisement

And just this week, bond was set at \$150,000 cash for Brandon Smith, of Ubly, who is charged with causing the death of a 19-month-old.

These recent occurrences have many in the county wondering "what is going on?" Do these cases represent an increase in child abuse or neglect in Huron County? Huron County Prosecutor Mark Gaertner said on any given day, there probably are around 150 open child abuse cases in the prosecutor's office.

That doesn't mean 150 come in every day, but that many are open," he said, adding unlike criminal cases, child abuse or neglect cases can go on for years. Gaertner said this is a community-wide problem, and it's going to take a community to solve it.

He said the problem, in many cases, involves more and more young girls — ages 16, 17 and 18 — having children out of wedlock where the father is there to conceive the child, but leaves soon thereafter.

"He's gone, and then the mother lacks parenting skills, lacks the financial means to provide for the child and in many cases, the same new mother moves on to a new boyfriend who likely has the same situation going on — that he's fathered a child somewhere else," Gaertner said. "Then you enter into it and in more times than not, neither the mother nor the new boyfriend or the biological father, is employed."

The people involved usually seek support from the system, and when there isn't any — or not enough — the child involved many times ends up the victim, he said. "A child who is born out of wedlock to a young mother and an unemployed biological father already has two strikes against him coming into the world — they don't have the nurturing or the support in those situations that the child deserves," Gaertner said.

"Time and time again, we see these young girls ... having out-of-wedlock children then going down the path of making poor choices," he added, "Getting subsidized housing then having a new boyfriend — who more times than not, is financially strapped or has a criminal record ... and that relationship itself may produce another out-of-wedlock child."

The product of these events is a cycle that only education, preparation and better planning really can stop, Gaertner said.

"That's why I say that it's a community problem that the community as a whole is going to have to solve," he said. "We — those of us here at the courthouse — we can react to the situation, but the community as a whole can help prevent it." Bad Axe Police Chief John Bodis said reacting is exactly what local law officials did this past weekend when Ashley Walls called 9-1-1 reporting her child, Nickolas "Nicky" Crowell, was having difficulty breathing.

An autopsy determined the child's spleen had three lacerations and both lungs were bruised as a result of a severe blow of blunt force trauma which caused the child to bleed out into his abdominal cavity, resulting in death.

Walls' boyfriend, Brandon Smith, is facing first-degree murder charges — which carry a mandatory sentence of life in prison without the possibility of parole — for the incident.

Gaertner said he wanted to make it clear, however, that there is no evidence whatsoever that Walls or any other member of the family was involved.

"We have no evidence whatsoever that this mother, or her family, was anything but a loving family towards this child," he said.

It's also important to emphasize the fact that most parents in the area are, in fact, good parents, Gaertner said.

"The vast majority of parents in this county are loving parents that try to do their best in raising their children and care about their kids every day," he said. "... But there's a distinct group out there that, they just don't care."

As unfortunate as the cases like that of the Welshans baby and Nicky Crowell are, there is good that can come out of it, and that good is the public awareness of the problem that is raised, Gaertner said.

“We here in this office see it every day, but if the public becomes more aware, that can only lead to good things,” he said.

And raise awareness these cases have, said Elizabeth V. Weisenbach, president of the Huron County CA/N Council.

“I have received calls from people in the community that know me saying we need to do something and on the CA/N Council, we are going to look at that,” she said. “We always are out to prevent child abuse and neglect ... and we’ve been doing good things, but we think, ‘look at what else we need to do’ because you look at the headlines ... and ask, ‘could we have done something about that?’ ... There’s lots of questions.”

Weisenbach agreed education is a big part of the problem — particularly getting through to a target audience that doesn’t read the newspapers, keep up with current events or the like.

“It’s simple: Don’t shake the baby,” she said. “Parents don’t get books when they leave the hospital ... you learn from your parents, what you see in the community, what your friends’ parents think, etc ... so it’s a matter of ... being taught these things.”

The CA/N Council is funding many different programs to reach those populations and encourage better parenting for people who aren’t as resourceful and don’t know to ask questions — or what questions to ask, Weisenbach said.

Kathryn Ross, Department of Human Services supervisor of children services in Huron County, said though the actual numbers of child abuse and neglect cases investigated have stayed rather stagnant, the severity has not.

“We have definitely seen more severe physical abuse — especially with infants — with the high profile cases everyone’s aware of, and that’s (not) typical for the county,” she said. “I’ve been with the department for 28 years and we were all pretty stunned by those cases.”

Ross said the department receives probably around 100 complaints a quarter and accepts about half to investigate.

Of those investigated, she said about 80 percent are unsubstantiated, meaning the department finds that abuse or neglect has more than likely occurred in only 15-20 percent of the cases that were accepted for field investigation.

In order for a report to be investigated, Ross said certain criteria have to be met.

First, the child has to be chronologically under 18. Second, the abuse has to have involved a care taker — someone who’s responsible for the child. Third, the abuse or neglect has to be something by legal definitions (i.e. there’s a difference between bad parenting and neglectful or abusive parenting). Lastly, it has to be non-accidental, she said.

Bodis said his department has seen an increase in a lot of different things — not just child neglect or abuse — and attributes much of it as a sign of the times and a depressed economy.

“I’ve been here long enough that you start to see a trend in different types of activity — including child abuse and neglect — when times are a little bit tighter,” he said, “you get more scams, more fraud and more types of abuses ... they all increase when times are bad (because) people aren’t working much or at all, and that’s just an environment that breeds these types of activities and responses.”

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# THE DAILY Reporter

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## Exchange Club wages battle against child abuse

**Print Page**

By roland stoy-Staff writer

COLDWATER — The Early Bird Exchange Club of Branch County has launched their campaign against child abuse with the support of area law enforcement agencies.

Frank Belote, Early Bird president-elect, visited the Coldwater Michigan State Police post Wednesday morning to explain the campaign and distribute metallic blue ribbons to be put on patrol cars.



Roland Stoy / The Reporter Front, from left, Belote, Koenigsknecht, Canon, and at rear from left, Case, Chester and Stout.

"Believe in the Blue," is the title of the effort.

"The blue ribbon symbolizes child abuse prevention awareness," Belote told those gathered, explaining they hope to make the public more aware of what they can do to make children safer.

For example, Belote said "When you take children shopping, you need to know where they are at all times."

He said when he takes his granddaughter somewhere, "If I have lost track of her even just for a minute, that's too long."

He showed the law enforcement officers one of the tip cards, this one on shopping with children.

It says:

- n Let your child know what to expect.
- n Eat before you leave.
- n Try to avoid crowds.
- n take shorter trips.
- n Establish limits.
- n Know when it can wait.

On hand for the ribbons were Bronson Police Chief Richard Stout, Coldwater Director of Public Safety Gary Chester, Union City Police Chief Tom Case, Branch County Sheriff Warren Canon and state police post Commander F/Lt. Al Koenigsknecht.

For more information on how to help prevent child abuse, contact the National Exchange Club at 800-924-2463 or visit them online at [infor@nationalexchangeclub.org](mailto:infor@nationalexchangeclub.org).



## **Council seeks donations for children**

Ironwood Daily Globe

Published Wednesday, April 11, 2007 4:32:37 PM  
Central Time

IRONWOOD -- The Gogebic County Child Protection Council is spearheading the 2007 Fund-raising Campaign in conjunction with April's Child Abuse Prevention Month.

Donations to help Gogebic County's most vulnerable resource -- children -- may be sent to: The Gogebic County Child Protection Council, c/o DOVE Inc., PO Box 366, Ironwood MI 49938.

Everyday in Michigan, there are 375 reported cases of child abuse. Children ages 0-4 years old were the most victimized. In July of 2006 alone, seven children died from abuse.

In America, children younger than two years old are more likely to die from abuse than by car accidents, drowning or fire. One out of five children will suffer abuse or neglect before his or her 18th birthday.

Preventing child abuse is a community responsibility and in Gogebic County, CTF supports the following prevention initiatives: the Single Parent Support Group; Baby Think it Over; Welcome Newborn Project; assisting foster families; bully-proofing in the schools; the Santa's Helpers Project; recognizing a teen role model from each graduating class.

# DHS, Sheltronn say - Closing Nokomis would cost, not save state

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By Glenn Schicker  
The Houghton Lake Resorter

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April 12, 2007

The Nokomis Challenge Center, a medium security facility for juvenile offenders which has operated at Houghton Lake since 1960, could become a victim of state budget cuts.

A proposal for the state's 2007-08 budget, approved by the state Senate Appropriations Subcommittee on the Department of Human Services in March, would privatize about half of foster care services and all juvenile justice services except those requiring high security. The proposal was forwarded to the full Senate Appropriations Committee.

Sen. Bill Hardiman, R-Kentwood, chairman of the subcommittee, said privatization would save the state more than \$36 million while providing more accountability and less duplication of services. He said "licensed nonprofit, nationally accredited private agencies" would take over the programs under management and oversight of the DHS.

However, DHS spokesperson Karen Stock said, "We think the proposal overall would cost money in the tens of millions, not save money." She said per diem rates of private providers do not include medical and education expenses which are included in the rates of state-run facilities. She said private centers do not have the capacity to handle all the youths from facilities such as Nokomis, and the cost of increasing their capacity was not taken into consideration in the privatization proposal.

Debra Jones, director of Camp Nokomis for two years, said the facility, which is licensed for 40 residents, employs 43 people. Nokomis is one of four state-run medium security juvenile facilities. The state also contracts with private facilities. "It's been a marriage between the two for many years," Jones said.

Stock said she knows of no "specific plan" of what would happen to Nokomis, its residents and staff if the proposal "makes it through the budget process." However, closing the facility "is definitely one of the things that might happen." Alan Bolter, Hardiman's chief of staff, agreed. He said it is not known if Nokomis would close, but if it did, some employees could be shifted to private providers or jobs in other agencies of the DHS.

Nokomis residents go to classes centered on the Michigan Core Curriculum five days a week, Jones said. A year ago, Joseph Friguglietti, 18, became the first Nokomis resident to earn a high school diploma through the program. Residents also receive addiction

treatment and physical conditioning and education in social skills, problem solving and relationship building. Vocational planning and wilderness camping experiences also are part of the program.

“We’ve been partnered with this community for a long time,” Jones said. Under the concept of “balanced restorative justice,” residents provide assistance to community agencies, churches, clubs and chambers of commerce. They have worked with Project Help Our People Eat and the ROOC Workshop and the Adopt-a-Highway program. Jones said Nokomis is working with area churches to start a program that would help elderly area residents with spring clean-up. The Nokomis staff works with teachers and Houghton Lake Community and Alternative Education, she added.

Visitors to semiannual open houses have included members of the American Business Women’s Association and the Lions and Kiwanis Clubs, Jones said.

Bolter said the privatization proposal is not likely to receive immediate action in the legislature, as the 2006-07 budget deficit must be dealt with before moving on to next year.

After action by the full Senate Appropriations committee, he said, “I’m pretty confident it will pass the senate the way it is.” The House of Representatives or the Granholm Administration could change its final version, he added.

“It’s far from over,” Bolter said, “but at least from my boss’ perspective, it’s a direction we need to go.”

By contrast, State Rep. Joel Sheltrown, D-West Branch, during a tour of Nokomis Monday—the third time he has visited—told Jones, “I’m convinced Nokomis is saving the state money.”

Sheltrown said he does not want Michigan to repeat mistakes from the past, such as eliminating mental health services in the state.

“It costs you in the end,” he said, adding that hopefully the legislature will evaluate every department fairly. “[We’re going to take a] good solid look at every program, and it has to have merits.”

Sheltrown asked Jones for the No. 1 reason Nokomis should not be cut that he can use as an argument back in Lansing.

“I’m not interested in you being cut,” Sheltrown told Jones. “That’s why I’m looking for success stories that you have.”

Jones said the staff provides an “experiential and cognitive” environment in which the residents can “see, do and learn.” Hands-on lessons are paired with academic ones.

For example, she said, the ropes course demonstrates that “that first step is always the

toughest.”

Sheltrown said those who leave Nokomis need to have opportunities to make a decent living.

“We put up all these barriers,” he said. “What can we do to get people back into society? That’s the best way to protect them.”

Jones told Sheltrown the highly trained staff at Nokomis can offer specialized treatment, especially for the young men who are addicted to alcohol or drugs, adding that about one-third of the Nokomis population has mental health issues.

(Editor’s note: Reporter Cheryl Holladay also contributed to this story.)

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April 12, 2007

## Macomb's Juvenile Justice Center gets a positive report

Jim Lynch / The Detroit News

**MOUNT CLEMENS** -- The first week of March was far from a high point for officials at Macomb County's Juvenile Justice Center. A highly publicized escape by three inmates generated headlines and concern over the center just as officials were working to restore its reputation.

This week, however, there is some good news.

A state inspector who visited the juvenile center in the days following the prisoners' return has filed a positive report on the operation's efforts to address problems identified a year ago.

From 2002 through 2005, the center, then known as the Macomb County Youth Home, received several reprimands from the state after poor reviews. Often, the staff had not been trained properly and, in some instances, the home did not have written policies for important issues.

In addition, juvenile inmates complained of abuse at the hands of other inmates as well as employees.

Last month, the inspector reported that the bookkeeping issues that have been a problem in the past have greatly improved.

"The case records of the residents were in greatly improved order," wrote Pinkey Brown, a licensing consultant for the Michigan Department of Human Services, in a March 29 letter to the facility. "Also, it was noted that the staff training logs of the staff were up to date and consistently occurring with all staff personnel within the facility. This was a greatly improved area.

"There were no rule violations."

The interim inspection will be followed up by another this year to determine whether the facility will receive its annual license.

Chuck Seidelman, who took over the director's position a year-and-a-half ago, said the report is a validation of the new attitude the staff has adopted.

"It's good to see a positive report come back on the work this staff has put in to meet the state's requirements," he said.

State officials have not wrapped up their investigation into the escape incident, according to Karen Stock, a DHS spokeswoman.

You can reach Jim Lynch at (586) 468-0520 or [jlynch@detnews.com](mailto:jlynch@detnews.com).

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## Where is our new juvenile justice center?



Written by Gretchen Cochran

CITY PULSE

Wednesday, 11 April 2007

*Ingham County voters have paid for it with a millage increase approved in 2002. Yet, there is not even a blueprint. Meanwhile, violent crimes by youths increase. What's going on?*

Some Ingham County families are in trouble. It's in the faces of the the angry 8-year-old yanked from a home where fists form talking points. The 12-year-old arsonist so out of control that no local program will take him in. The boy ready to fling himself off a bridge. Each represents a piece of the juvenile justice system swimming upstream amid cross currents of public and professional opinion.

Residents want the community's distressed children to get help. That's clear by the way they've voted to tax themselves since the juvenile justice millage was first passed in 2002. Nearly \$16 million has been raised for services and a new juvenile justice center. Half of the money has been spent.

But still, five years later, \$8 million earmarked for the center is unspent. The services to be offered in the center remain undetermined, the site unselected.

Trying to get the groups who regularly deal with troubled youngsters onto the same page continues to be a sticking point. Karen Chinn is the criminal justice consultant hired by Ingham County three years ago to report on how much should be spent on a center. Her report — issued two years ago — said the first requirement is to get everyone involved to agree to a common mission. Family Court judges who see the troubled kids, county commissioners who control the court's budget, and social service agencies that see children falling through the cracks disagree on what that mission should be.

Little by little, the system is moving from one of punishment to prevention, putting programs in place to catch teetering kids before they topple into more serious crime. Some see the proposed center as a place for troubled youngsters to be evaluated and possibly returned home with a treatment plan in hand, or a place where authorities could bring children at night, or where expelled students could attend classes.

There is hope. Two months ago, Ingham County Commissioner Rebecca Bahar-Cook convened a task force of representatives from the groups involved in juvenile justice issues. The task force's charge: to develop a vision for the proposed center. Bahar-Cook would like to see a 25,000-square-foot day/evening treatment center and alternative school leased, bought or built by the end of the year. The task force is expected to send its

recommendation to the Ingham County Board of Commissioners soon. The board will select the site based on that recommendation.

Most experts working within the county's child care system say the center should be near the families served by the facility and near public transportation. The ZIP codes of the youngsters processed for neglect or delinquency show that they mostly come from Lansing, south of I-496. From Oct. 1 to Dec. 31, 2006, 266 youngsters from that area were seen in court.

Sites under consideration include:

- County-owned land near the current Youth Center, formerly called the Youth Detention Center, located behind the county services building on Jolly Road in south Lansing.
  - Vacated YMCA land on Lenawee Street downtown.
  - The empty Home Depot/Farmer Jack store at 5800 S. Cedar St. in South Lansing.
- Each site has its concerns. The Jolly Road location has drainage problems, the Lenawee Street location may not be large enough and the Cedar Street location is near a residential area.

Bob Sheehan, director of Community Mental Health for Clinton, Eaton and Ingham counties, believes the emphasis on a building that would be as large as an elementary school has been wrong. A building doesn't fix anything, Sheehan said.

"They've got the cart before the horse," he insisted. "The horse is always the services." Sheehan figures there's space available everywhere right now. The county should rent a small space, figure out how to make it work, and then talk about a permanent place, he said.

"Imagine what you could do with \$8 million," he fumed, figuring the money could fund programs for troubled kids for 15 years.

### **Progress**

Since 2002, the county's juvenile justice system has inched its way into new science and new programs. So far the \$8 million raised for services has brought, among other things:

- Two consultants' analyses for improving the system.
- More consistent evaluations of kids' crimes and circumstances.
- Improvements at the county's Youth Center — a kind of short-term jail.
- Two new residential programs for girls.
- A re-entry program to help institutionalized youngsters transition back into their

neighborhoods.

- A court-overseen Family Drug Court that begins in October.

Another new program, called Impact, provides services for the entire family. Like many of the programs for kids, it crosses jurisdictions. Impact is a collaboration of Family Court, Community Mental Health, and the Ingham County Department of Human Services. It's the result of a \$6 million, six-year federal grant for program design. It's financed with \$688,000 from the juvenile justice millage and another \$688,000 from the state's Child Care Fund.

Judge Janelle Lawless, chief of the county's Family Court, recounted a typical scenario seen in Family Court under the Impact program: A child tells her school principal of violence regularly occurring in her home. Because the principal is required to report the incident, the family lands in court. The girl is temporarily removed from her family. She's angry at the court for taking her from her home and at her parents whose behavior caused the removal.

"We're giving the child a short vacation while we figure out what's going on," said Community Mental Health's Sheehan. When the child is returned home, the staff will work with the entire family. Once the full situation is understood, a menu of possible options will be offered ranging from substance abuse treatment and parenting classes to psychiatry, possibly with medication. Sheehan estimated the annual cost of such an intervention would be about \$8,000 per child.

The court's goal is to keep youngsters at home and out of the juvenile justice system whenever possible. Teen Court, partially financed by the juvenile justice millage, is another example of early intervention. Last year nearly 200 teens were referred to Teen Court by the prosecuting attorney or by court referees. Shepherded by Cooley Law School professors and Family Court staff, high-school volunteers serve as jurors to determine sentences and monitor follow up. Only first-time offenders are referred to Teen Court. Their sentences could include payment for damages, drug testing, community service, tutoring, anger management classes and more. On completion, the offense is removed from the young person's record. The entire program costs \$125,000, or about \$600 per student served.

### **Last stop: Family Court**

For all the effort to avoid it, there will always be children who are too violent to remain at home, or even in the community. Judge Lawless provided a snapshot of crimes committed by kids held in the detention center recently: armed robbery, domestic assault, cocaine possession, car theft, breaking and entering and more.

"These are not just cases of shop lifting," she said.

The reality is that the court has to deal with the children brought to it. Its first



responsibility is to keep the community safe, said Nervy Oliver, Family Court's longtime deputy court administrator, recently retired.

Some believe youth crime is becoming more serious than in the past.

"It used to be kids fought with fists. Now it's guns," said Joe Maatma of the Ingham County Sheriff's Office.

Statistics on such crimes are hard to come by, although experts suspect youth crimes reflect the rates of adult crime. From 2004 to 2006, adult homicides increased 10 percent and robberies by 12 percent, with activity increasing particularly in midsize cities and the Midwest, according to the Police Executive Research Forum, a public policy think tank in Washington made up of law enforcement leaders from medium to large cities.

Lansing Police Capt. Ray Hall agreed. While the good news is that youth crime is declining slightly in Lansing —from nearly 500 arrests two and three years ago, to 469 arrests in 2006 — the crimes committed now are more violent.

Meanwhile — since children stealing cars, robbing residents, or using cocaine continue to be dragged into Family Court — judges are forced to send more and more youngsters to costly programs in and out of state, sometimes far from their families. It's not always the best choice for the youths or for the county's pocketbook.

A year ago, an average day saw 24 children enrolled in programs outside their homes. Now, instead of declining, that average has risen to 35 per day, said Maureen Winslow, acting deputy juvenile court administrator. Aside from the issue of better treatment for troubled kids and their families, and the difficulties the youngsters will face when they return home, there is the issue of cost. Out-of-home placement, particularly out of state, can cost up to \$80,000 per child per year. Treatment with the child still living at home can cost a 10th as much.

"This is simply unacceptable," said Commissioner Tina Weatherwax-Grant.

Some judges rely more on expensive out-of-state programs than others. The court refused to release the breakdown of which judge sent how many youngsters away.

"The judges together have decided not to release that information," said David Easterday, Circuit Court administrator.

Early intervention could make a difference and ultimately cost less if a child could remain at home.

"But you have to be in crisis mode to get services," said Joan Jackson-Johnson, the city of Lansing's human relations director. She added that bureaucrats, particularly at the state

and federal level, don't seem to understand that if you save the child, you save the family.

"They're stuck in the punishment mode rather than the rehabilitation mode," she said.



## Boy accepts plea in mom's murder case

**FLINT**

**THE FLINT JOURNAL FIRST EDITION**

Thursday, April 12, 2007

**By Paul Janczewski**

**pjanczewski@flintjournal.com • 810.766.6333**

A teen who helped his mother dispose of her slain boyfriend's body pleaded guilty to being an accessory after the fact to a felony.

Now, three co-defendants of Lisa L. Upchurch have taken deals with prosecutors and are required to testify against her at trial.

The boy, who is not being identified by The Flint Journal, faces an Aug. 7 sentencing before Genesee Probate Judge Robert E. Weiss.

Upchurch, 40, of Flint, is charged with murder, evidence tampering and several weapons charges in the Sept. 7 slaying of Dennis R. Mitchell.

Police, prosecutors, several co-defendants and a witness in the case said Mitchell, 46, was killed when he received a cellphone call from another woman while he was with Upchurch.

The boy told Weiss he heard a noise inside and went in to see Mitchell lying on the floor and Upchurch standing with a weapon. He said he later helped place the body in his mother's truck.

Weiss agreed to release the teen from the Genesee Valley Regional Center to the care of his grandfather so he can begin receiving counseling and other needed services.

The teen had been free earlier but violated the terms of probation and was returned to the juvenile detention center. He also will be attached to a tether, Weiss ordered.

Upchurch allegedly became enraged and shot Mitchell, leaving him to die in the hallway of her residence, 1321 Hughes Ave.

Officials said Upchurch then enlisted her son, 15; his friend, Rodrick D. Phillips, 18; and at least one other person to help her dump Mitchell's body into Mott Lake.

A caravan of at least three vehicles drove to a bridge on Carpenter Road near Bray and Branch roads, where the body was dumped in the waters about 3 a.m.

The partially nude body of Mitchell was discovered about 7 p.m. Sept. 11 in the Flint River off Boulevard Drive near Whaley Park, south of Dort Highway.

Phillips pleaded guilty to charges relating to the case and faces sentencing after testifying against Upchurch.

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April 11, 2007 10:32 AM Eastern Daylight Time

**Low-Income Children Find Easy Access to Dental Care***In First Five Years, National Model for Improving Access to Dental Care Treats Nearly 150,000 Children*

OKEMOS, Mich.--(BUSINESS WIRE)--Michigan's Healthy Kids Dental program has improved the oral health of nearly 150,000 children in its first five years, according to a study by the University of Michigan.

The program, named by the American Dental Association as one of five national models for improving access to dental care for low-income populations, is a public-private partnership between the Michigan Department of Community Health (MDCH), [Delta Dental of Michigan \(Delta Dental\)](#) and the Michigan Dental Association.

"Ensuring our children receive proper health care is critical to maintaining a healthy Michigan," said Michigan Governor Jennifer M. Granholm. "This innovative partnership is helping us to provide quality dental care at affordable rates to some of Michigan's most vulnerable citizens."

University of Michigan researcher Dr. Stephen A. Eklund conducted a recent study that found dental visits were 50 percent higher for children enrolled in Healthy Kids Dental compared with children enrolled in the traditional Medicaid dental program. The study included data from the program's first full year, 2001, through the end of 2005 when the program was available in 37 counties.

"Healthy Kids Dental helps thousands of children establish good oral health habits that will last a lifetime and contribute to good overall health," said Thomas J. Fleszar, president and chief executive officer of Delta Dental. "Delta Dental is proud to be partnering with the Michigan Department of Community Health, and we appreciate the Michigan Dental Association's ongoing support for this important program."

Healthy Kids Dental, an MDCH program administered by Delta Dental, provides dental benefits to Medicaid-eligible residents under the age of 21 who live in 59 Michigan counties. Services provided include oral exams, teeth cleaning, x-rays and cavity fillings. Participating dentists agree to accept Delta Dental's payment for covered services as payment in full and do not charge the enrollee. The dentist must discuss appropriate fees and payment plans for services not covered by Healthy Kids Dental.

According to Eklund, what makes Healthy Kids Dental unique is that it mirrors commercial dental coverage.

"Healthy Kids Dental is administered like a private dental insurance plan, with a broad network of participating dentists, so children are mainstreamed into the regular system of care and are more likely to have a dental home," said Eklund.

In a recent Scantron Corporation survey, nearly 99 percent of parents and caregivers said they were satisfied with the Healthy Kids Dental program, and 92 percent said the program had improved their child's health.

More than 200,000 children across Michigan are currently enrolled in Healthy Kids Dental. The program originally began in May 2000 as a demonstration project serving 22 counties and has grown in five years to its current service area. Counties are selected based on lack of access to dental treatment, including an absence of community-based dental services for low-income children.

"We are pleased that the Healthy Kids Dental program has dramatically improved the oral health of nearly 150,000 Michigan children," said Kris Nicholoff, assistant executive director for the Michigan Dental Association. "The members of the Michigan Dental Association are gratified to be a part of a program that establishes a dental home for children and leads to a pattern of regular dental care. We encourage further expansion of the program."

Delta Dental of Michigan, with its affiliates in Ohio, Indiana and Tennessee, is a member of Renaissance Health Service Corporation, a family of companies that combined is one of the largest dental plan administrators in the nation. In 2006, the enterprise paid out more than \$1.7 billion for dental care for more than 6.2 million enrollees. Offices are located in Okemos, Farmington Hills, and Grand Rapids, Michigan; Columbus and Cleveland, Ohio; Indianapolis, Indiana; and Nashville, Knoxville, and Memphis, Tennessee.

For more information about Healthy Kids Dental, please visit [www.deltadentalmi.com/programs/hkd/index.html](http://www.deltadentalmi.com/programs/hkd/index.html).

**Contacts**

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April 12, 2007

## Massachusetts Offers Details on Health Coverage

By [PAM BELLUCK](#)

BOSTON, April 11 — [Massachusetts](#) is poised to become the first state to make it possible for 99 percent of its adults to be covered by health insurance, with an ambitious plan that sets limits for the premiums people would be expected to pay.

State officials said that under the plan, they expected that all but about 65,000 of the 328,000 adults who are currently uninsured would be able to get affordable coverage.

The proposal sets a sliding scale of affordability standards in which, for example, a single person earning \$40,001 a year would be expected to pay no more than 9 percent of income, or about \$300 a month, for health insurance; a single person earning \$25,000 a year would be expected to pay a much smaller percentage, about 3.3 percent of income, or \$70 a month.

The plan is expected to be approved by the Commonwealth Health Insurance Connector Authority on Thursday.

Jon Kingsdale, the executive director of the authority, the agency set up to administer the plan, said setting the affordability standards “was always the most difficult and innovative element” of the state’s groundbreaking health care law, passed a year ago.

The law required all residents to get health insurance or face a fine or tax penalty. But from the beginning, there was concern that available health plans might be too expensive for some people, or, that some affordable plans might provide skimpy coverage. Last month, the authority voted to require all plans to have substantial coverage, including prescription drug benefits, which raised further questions about how expensive the insurance would be.

“To do this right means we’re walking a tight rope,” Mr. Kingsdale said. “We don’t want to be too punitive, we don’t want to put too high a standard of affordability, but we don’t want to let too many people out of a universal requirement. We’ve been putting a lot of stakes in the ground, but this is the center pole that will allow us to put up the tent and get everybody covered.”

The plan, if approved Thursday, would still need to be presented at public hearings across the state and face a final vote in June. The proposal would cost the state \$13 million more than the \$200 million it was planning to spend.

This proposal changes premiums and subsidy rates that were established earlier. It would allow about 52,000 more low-income people to qualify for free or cheaper coverage. A person earning up to \$15,315, one and half times the federal poverty level, would not have to pay anything under this proposal.

Individuals earning \$30,630 to \$50,001 would not be eligible for state subsidies, but they would not be penalized if they could not find health insurance priced at \$150 to \$300 a month. People who earn more than \$50,001 would not be given a cap on insurance costs.

People who claim they cannot afford coverage under the new system could apply for a waiver.

The proposal represents a carefully hammered-out compromise. Business groups wanted to make sure that premiums for state-sponsored insurance would not be too much less than the employee contributions to an employer's plan because they fear that people would flock to the government-sponsored plans, driving up the cost to the state. Advocates for poor people had wanted lower costs for more residents.

"It doesn't go the whole way, but it's good enough for today," said John McDonough, executive director of Health Care for All, an advocacy group. "I know there's a lot of trash talk around the country about, 'Oh it's falling apart in Massachusetts.' It ain't true. We are going to be far and away the state with the lowest number of uninsured by a country mile."

Leslie A. Kirwan, the Massachusetts secretary of administration and finance, who is chairwoman of the authority's board, said the support of advocates like Mr. McDonough was earned in part by action by Gov. Deval L. Patrick, who agreed to waive fees that more than 10,000 poor families were paying for their children to be covered by Medicaid.

"There were real doubts about whether we could forge a compromise that the advocates could embrace and also make sure that the business community embraced it," Ms. Kirwan said.

An employers' group gave the plan cautious support on Wednesday.

"It does seem that what the Connector is putting forth is reasonable, but I haven't looked at all the details," said Eileen P. McAnneny, vice president of government affairs for Associated Industries of Massachusetts, which represents 7,500 employers. "You have to be very careful — if you set up subsidies that are more generous than employer plans, that encourages employers to drop coverage. Health care costs are expensive for employers, too."

Jonathan Gruber, an authority board member and economics professor at the [Massachusetts Institute of Technology](#), had argued against expanded subsidies, saying they were unnecessary and costly to the state. Still, he said Wednesday that he would vote for the plan.

"If they're going to throw money at an issue, they threw it in the right place," he said. "That said, it is a lot of money, and going forward we're going to have to be careful not to address all the problems by putting more money into it."

For Andrea Peña, a single mother of three, the proposal would make possible better and more secure health care coverage. Ms. Peña, a 39-year-old dental assistant who lives in public housing in South Boston, has been receiving Medicaid, but the income from her two part-time jobs recently increased to above \$20,000, threatening to disqualify her from state aid. Under the new plan, Ms. Peña would be eligible for free state-sponsored insurance that would provide better dental and vision coverage.

"Just imagine if something were to happen to me," Ms. Peña said. "Thanks to this I don't have to worry about that any more."

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Edwardsburg man found guilty

*Thursday, April 12, 2007 10:12 AM EDT*

CASSOPOLIS - An Edwardsburg man who assaulted and choked his girlfriend was found guilty of domestic violence Tuesday by a Cass County jury.

The jury of six heard testimony that Doyle Burrow pushed the victim to the ground, jumping on her and choking her with both hands.

The victim testified that he began to strike her about the head, causing her injury that sent her to the hospital.

Edwardsburg police investigated the case and testified that they observed the injuries and went to Burrow's home to investigate.

Officers testified that Burrows was intoxicated and quickly confessed to the attack.

The domestic violence case was presented to the jury by Cass County Chief Assistant Prosecutor Jason Ronning.

District Judge Paul Deats presided over the trial.

"This continues our important mission of holding domestic assaulters accountable for their actions," Ronning said Wednesday.

Burrow will be sentenced on April 27 in the Fourth District Court.

# Ethics charges dismissed against Case

By Jil Schult, Gaylord Herald Times Staff Writer

Posted Wednesday, April 11, 2007 10:16 AM EDT

MONTMORENCY COUNTY — An Attorney Discipline Board has dismissed charges of professional misconduct which had been filed against Montmorency County Prosecutor Terrie J. Conklin Case.

In the 11-page opinion accompanying the April 4 order of dismissal, the three-member discipline board wrote, “For Prosecutor Case to be found in violation of ethical standards by reporting this information would have a chilling effect on the professionalism and leadership of the prosecutors around the state.”

The charges, filed by the Attorney Grievance Commission (AGC), focused on a letter Case wrote to a Dept. of Human Services (DHS) supervisor concerning the role of a DHS investigator testifying in the Cumper-Fletcher case, which Case was prosecuting.

Initially facing nine charges, after a seven-hour hearing before the Attorney Discipline Board in January, all but two charges were dismissed. The remaining charges concerned Case’s letter addressed to Andrew Zylstra, Kent County Dept. of Human Services (DHS). Case believed Zylstra to be the supervisor of Darlene Rynkowski, a DHS employee and potential witness for the defense in the Cumper-Fletcher case.

The sentence in question in the letter was: “I ask that you investigate this matter and take whatever actions are necessary regarding her employment with the Department of Human Services.”

The letter was written during the three-year investigation of the Gerald Cumper and Gerald Fletcher investigation when a Cumper Farms resident moved to Kent County and was assigned to Rynkowski.

After Rynkowski made allegedly disparaging remarks to the local prosecutor and law enforcement, noted the opinion, law enforcement advised her to report the “misconduct” to DHS. Hence the letter.

In the opinion, Attorney Discipline Board of Gaylord attorneys James Cotant and Elliot Blumberg and Petoskey attorney Steve Tresidder, noted Zylstra testified DHS did not



find Case's letter out of order because it did not counsel misconduct and she did not intend it to engage in any obstruction of any testimony that Rynkowski may give.

"Prosecutor Case took her responsibility very seriously to assist the Montmorency Department of Human Services office and removing developmentally disabled adults from very deplorable living conditions," stated the opinion. "It was her role as prosecutor to be their advocate and assist the Montmorency Department of Human Services office."

"I'm glad it's over and I'm pleased the discipline board upheld my belief that I acted in the appropriate manner," said Case Tuesday.

The hearing panel, chaired by Cotant, did not agree with the attorney Grievance Administrator that the letter was intended to interfere with or prevent testimony of Rynkowski, or that it proved misconduct.

"The Grievance Administrator pointed out that even though Rynkowski may have acted improperly and may have had evil motives in reporting the alleged unethical conduct of Prosecutor Case, it does not matter," noted the panel.

"Once unethical conduct is discovered and reported, it must be dealt with regardless of how it comes to the attention of the grievance authorities. Two wrongs do not make a right. This panel agrees with that general proposition.

"However, in this case, that would presume that the letter only has one interpretation and that is the one assigned by the Grievance Administrator. When you view the letter as being an appropriate communication, that analysis must fail.

"Rynkowski's actions six months after the August 26, 2005 hearing and 30 days after the announcement of Case's candidacy appears to be the last act in what is otherwise a vindictive course of action for challenging her conduct in Montmorency County."

During January's hearing, Michigan attorney Brian Zubel, a trainer of prosecuting attorneys with the Prosecuting Attorneys Coordinating Council, opined there was no violation of the ethical rules by Case in sending the letter to Zylstra.

## Presque Isle vows to fight possible DHS move



**News Photo by Amy Lisenbe**

**Birds fly into the wind as waves crash into the rocks Wednesday afternoon near the Alpena Small Boat Harbor. Winds picked up late Wednesday afternoon, accompanied by light snow and chilly temperatures.**

By PHIL WENZEL

According to Presque Isle County Board of Commissioners Chairman Allan Bruder, the county has only begun to fight.

The State of Michigan is considering closing the Rogers City office of the Department of Human Services and moving its operations and employees to Alpena. That, Bruder said, could severely hurt county residents.

“(The state) may not expect us to fight, but we are going to put up a fight,” he said during the commissioners’ regular meeting Wednesday night.

Commissioner Michael Darga agreed, saying that residents in some areas of the county could be forced to drive over 70 miles for DHS services. He said the state should not try to fix its budget problems at the expense of the poor.

“There’s a lot of people who can’t afford to drive there,” Darga said.

Bruder said he already has spoken to State Sen. Jason Allen about the matter. Allen is working with other legislators to set up a meeting between Bruder and officials who handle finances at the state level, Bruder said. The commissioners approved a resolution to pay Bruder mileage and expenses to go downstate if such a meeting is arranged.

Bruder said the state, which rents the DHS’s offices in Rogers City, recently had the owner of the building give them a quote on rent and utilities for the next five years. The problem could stem from the price, he said. But he added he does not blame the building’s owner because the state put him in a tough position. He said the commissioners may try to work with the owner to create a lower quote.

“My first answer is not going to be to beat the owner out of rent,” Bruder said.

In other business:

? Commissioners approved the purchase of a new plotter for the equalization department. Bruder said the new plotter will use better technology than current plotters to create county maps with better definition of color.

Eight townships have contributed money for the plotter, which Bruder said leaves the county to pay about \$5,000. The money will come from a computer fund that is already in place for such

purchases in the equalization department.

"Now it looks exactly like a map — it's easier to do," Commissioner Stephen Lang said of the new plotter.

? The board agreed to use extra money from a recently passed school resource officer and Huron Undercover Narcotics Team millage to help the Rogers City Police Department fund the officer at Rogers City Area Schools. Darga said the department asked for about \$12,000 more than it had already received.

Although the commissioners did not say they would contribute that much or take any official action they did agree they will look into the matter and would contribute some money.

Darga said the officer is responsible for monitoring the behavior of students during school.

? The board decided to pay mileage and expenses to any members who want to attend the upcoming Michigan Association of Counties Summer Conference in Grand Rapids. Bruder said the entire board will not go because the county is currently trying to cut corners. No members of the board volunteered to go and two said they definitely would not.

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## News Release

Contact: Karen Stock at (517) 373-7394

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### Settlement Discussions End, but Child Welfare Reform Continues

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**April 11, 2007**

The Michigan Department of Human Services announced today that because of the state's budget crisis, it is unable to continue settlement discussions with Children's Rights, the New York-based organization that is suing the state over its foster care system.

"Even though we are unable to continue settlement talks at this time, we will maintain our focus on protection, prevention, community-based family services, and safe, permanent homes for children," Udow said. "We have already brought about significant change in Michigan's child welfare system over the past three years, and we're not letting up."

After the Children's Rights lawsuit was filed in August 2006, Udow asked for settlement talks to begin immediately, in an attempt to reach agreement and avoid spending scarce resources on costly litigation. The parties negotiated in good faith, she said, but without sufficient resources, the state could not commit to a settlement.

"Any approach to improving child welfare takes resources," Udow said. "We've seen it in other states, and it is true in Michigan as well. That is why Governor Granholm, in her proposed 2008 executive budget for DHS, has recommended investing an additional \$35 million in child welfare enhancements as part of our ongoing fundamental reforms, which have already resulted in fewer children in the foster care system, fewer children re-entering the foster care system, and more children placed with relatives. The additional funding would allow DHS to move thousands more children into permanent homes through adoption or a new subsidized guardianship option, and make it possible for more relative caregivers to become licensed foster parents."



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## News Release

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### **Looming federal cuts threaten future of Child Support program that distributed \$1.4 billion to Michigan families in 2006**

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April 12, 2007

LANSING – Even as the Michigan Child Support Program increased collections by \$18 million to help keep children out of poverty in 2006, looming federal cuts threaten to decrease the programs effectiveness by billions of dollars over the next decade.

In last year's federal Deficit Reduction Act, the federal government cut more than \$50 million per year in administrative funding to the state and counties. According to the Congressional Budget Office, this will reduce collections in Michigan by \$300 million in the first five years and \$1.2 billion in ten years. Governor Jennifer M. Granholm's proposed budget restores this much-needed funding for the state and counties.

We are proud of what this program does to keep Michigan's children out of poverty," DHS Director Marianne Udow said. "For this reason, the federal cuts that go into effect on October 1, 2007, are a grave concern and a threat to families in Michigan."

In fiscal year 2006, Michigan child support workers distributed approximately \$1.4 billion in child support. The program sent \$1.27 billion directly to Michigan families, provided \$29 million in medical support to children and reimbursed the federal and state governments \$95 million for public assistance provided to families. More than \$396 million in past due support was collected and distributed to families.

"Each child support professional was responsible for collecting \$573,356 in 2006, an increase of \$24,000 per worker when compared to 2005," said Marilyn Stephen, director of the Office Child Support. "Child support professionals continue to do an excellent job for Michigan families."

Additionally, every year the federal government provides incentive dollars to states for five performance categories: paternity establishment, support order initiation, current support collection, collection of past due support and cost effectiveness. Michigan received \$26 million in incentives in 2006 for the previous year's performance and expects to receive incentives for performance in 2006. The amount Michigan receives will be determined by how many other states qualify for incentives. This sum is shared between the state and county Friend of the Court and prosecutor's offices.

For more information about Child Support, visit the DHS Web site at [www.michigan.gov/dhs](http://www.michigan.gov/dhs)

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